

**MINUTES OF THE LAFAYETTE COMMON COUNCIL**  
**JANUARY 11, 1999**  
**REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, January 11, 1999, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Probasco called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present:     Boehning, Meyer, Phillips, Campbell, Downie, Rhoda, Fisher, Smith, Probasco  
Absent:     None

Councilman Boehning moved to nominate Councilman Probasco for President of the Common Council and Councilman Rhoda for President Pro-Tem of the Common Council for 1999, Councilman Campbell seconded the nominations. Councilman Campbell moved to close the nominations, Councilman Downie seconded. The nominations were accepted by unanimous voice vote.

Councilman Fisher moved to approve the minutes of the December 7, 1998 Regular Session and the December 21, 1998 Special Session, Councilman Smith seconded. The minutes were approved by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Motor Vehicle Report – December 1998  
Police Traffic Report – October and November 1998  
Miscellaneous Monthly Department Reports

The Clerk read Ordinance 98-72 (An Ordinance to Rezone Certain Real Estate from R1B to GB within the City of Lafayette, Indiana and Designating the Time When the Same Shall Take Effect, Mike Raisor Building Partnership, Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Phillips seconded. Joseph Bumbleburg, representing the petitioner, distributed drawings of the block where the property is located and explained the proposal. Councilman Meyer had several questions about the proposal. Councilman Smith stated that the requested zoning could allow more than the proposed parking lot. Councilman Fisher expressed concerns by a neighbor that this will eventually become more than a parking lot. Councilman Rhoda stated that he is concerned about intrusion into neighborhoods. Councilman Meyer stated that this is a tough decision but after looking at the location of the property he felt that the potential erosion of the neighborhood is not substantial with this proposal. Councilman Boehning stated that she is opposed to spot zoning but does not feel that this is spot zoning when compared to the surrounding properties. Ordinance 98-72 passed 6-2 on a roll call vote with the vote as follows:

Ayes:       Boehning, Meyer, Phillips, Campbell, Downie, Smith  
Nays:       Rhoda, Fisher

The Clerk read Ordinance 98-73 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from GB to I3, Lafayette Quality Products/Tipco Leasing, Inc., Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Boehning seconded. Mr. Bumbleburg, representing the petitioner, explained the proposal that came about after applying for a tax abatement for expansion of the business. Ordinance 98-73 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-74 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R1B, R2, R3, NB, and GB to R1B, R2, R3, NB and NBU, Area Plan Commission of Tippecanoe County, Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Meyer seconded. Jim Hawley, Executive Director of the Area Plan Commission, was present for questions. Sandy Lahr, 822 Kossuth Street, spoke in favor of the proposal. Ordinance 98-74 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-75 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R1 to R3, Warren B. Thompson, Petitioner) by title only for first and final reading. Councilman Meyer moved for passage, Councilman Downie seconded. Mr. Bumbleburg, representing the petitioner, explained the proposal. Ordinance 98-75 passed 7-1 on a roll call vote with the vote as follows:

Ayes: Boehning, Meyer, Phillips, Downie, Rhoda, Fisher, Smith  
Nays: Campbell

The Clerk read Ordinance 98-76 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R2, R3, PDMX, NB and GB to R2, R2U, R3U, PDMX, and NBU, Area Plan Commission of Tippecanoe County, Petitioner) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Smith seconded. Mr. Hawley explained the proposal. Jane Turner, 1304 Columbia Street, thanked council for continued support of the St. Mary's neighborhood. Ordinance 98-76 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-77 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from NB and R2 to R2U, Barri R. Swift, Petitioner) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Fisher seconded. Mr. Bumbleburg, representing the petitioner, explained the proposal. Ordinance 98-77 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-78 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from I3 to R3, HKM, LLC, Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Meyer seconded. Mr. Bumbleburg, representing the petitioner, distributed an aerial map showing the property and explained the proposal. Councilman Fisher asked how many apartments would be available. Mr. Bumbleburg stated that it is estimated that there would be 180-190 apartments. Councilman Phillips asked if Purdue C parking permits would be available for this complex. Councilman Rhoda stated that planning is necessary in the area. Dave Allee, President of A-Z Sheet Metal, read a statement in support of the proposal. Penny Parmenter, 1024 Tippecanoe Street and President of Lincoln Neighborhood Association, stated that this is a win-win situation to relieve existing neighborhoods of multi-family dwelling proposals. Todd Helfter, 659 N. 7<sup>th</sup> Street, spoke in support of the proposal. Paul Grover, 209 E. Lutz Avenue, West Lafayette, spoke in favor of the proposal. Elizabeth Mork, Wabash Valley Trust for Historic Preservation, spoke in favor of the proposal. Mayor Dave Heath spoke in favor of the proposal. Councilman Meyer spoke in favor of the proposal which should serve as a release valve to neighborhood apartment buildings. Councilman Campbell spoke in favor of the proposal because the location is appropriate. Ordinance 98-78 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-79 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from R1 to NB, Chris Brown, Petitioner) by title only for first and final reading. Councilman Fisher moved for passage, Councilman Rhoda seconded. Dan Teder, representing the petitioner, explained the proposal. Mr. Teder distributed copies of and explained NUZO's buffer requirements. Alison Camillo, 3817 Rome Drive, spoke against the proposal. Dale Webster, 3847 Rome Drive, Cornerstone Appraisers, spoke against the proposal. Lucky Neiburger, 3801 Rome Drive, spoke against the proposal. Steve Mott, 20 Orchard Place, spoke against the proposal. Alison Camillo spoke again. Chris Brown, petitioner, further explained the proposal. Mary Ann Grove, 3821 Rome Drive, spoke against the proposal. Jeri Lawhood, 3831 Rome Drive, spoke against the proposal. Ann Todd, 3843 Rome Drive, spoke against the proposal. Councilman Meyer stated that he is not in favor of personal attacks during Council meetings. Councilman Meyer stated that he is in favor of a PD zoning designation for the property based on the comments that have been made by neighbors. Councilman Fisher explained that the access roads between the subdivision and SR 26 were closed to decrease traffic in the neighborhood. Councilman Fisher explained the history of zoning requests for this property. Councilman Fisher stated that this is a tough decision but feels that a PD zoning is more appropriate for the property and for the neighbors. Ordinance 98-79 failed 0-8 on a roll call vote.

The Clerk read Ordinance 98-80 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana to Rezone Certain Real Estate from NB to NBU, Habitat for Humanity of Lafayette, Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Phillips seconded. Ordinance 98-80 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-81 (An Ordinance to Amend Section 150.06 (F) of the Lafayette City Code Pertaining to Improvement Location Permit Fees) by title only for first reading. Councilman Boehning moved for passage, Councilman Fisher seconded. Opal Kuhl, City Engineer, stated that she was available for questions. Ordinance 98-81 passed 8-0 on a roll call vote.

Councilman Boehning excused herself due to a possible conflict of interest on Ordinance 99-1. The Clerk read Ordinance 99-1 (An Ordinance to Vacate a Public Way Within the City of Lafayette) by title only for first reading. Councilman Phillips moved for passage, Councilman Smith seconded. Ordinance 99-1 passed 7-0 on a roll call vote.

Councilman Campbell moved to set a public hearing on Ordinance 99-1 for February 1, 1999 at 7:01 p.m., Councilman Rhoda seconded. The motion passed by unanimous voice vote. Councilman Boehning returned to the meeting.

The Clerk read Resolution 99-1 (A Resolution Approving the Application for a Boundary Modification for the Lafayette Urban Enterprises Zone) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Downie seconded. Councilman Boehning explained the proposal. Dennis Carson, Lafayette Urban Enterprise Association, further explained the proposal. Councilman Meyer stated that the state legislature continually talks about the possibility of eliminating the inventory tax credit which would effect this zone and the effects of that action should be kept in mind. Resolution 99-1 passed 8-0 on a roll call vote.

Councilman Campbell, moved to suspend the rules to hear Ordinance 98-81 (An Ordinance to Amend Section 150.06 (F) of the Lafayette City Code Pertaining to Improvement Location Permit Fees) on second and final reading, Councilman Downie seconded. The motion to suspend the rules passed 8-0 on a roll call vote. Councilman Boehning moved to hear Ordinance 98-81 on second and final reading, Councilman Downie seconded. Ordinance 98-81 passed 8-0 on a roll call vote on second and final reading.

The Clerk read Resolution 99-2 (A Resolution Authorizing the Mayor of the City of Lafayette to enter into an Interlocal Agreement with the City of Lafayette, City of West Lafayette, County of Tippecanoe and the Area Plan Commission of Tippecanoe County) by title only for first and final reading. Councilman Smith moved for passage, Councilman Downie seconded. Mayor Heath explained the proposal. Resolution 99-2 passed 8-0 on a roll call vote.

Councilman Boehning excused herself due to a possible conflict of interest on Resolution 99-3. The Clerk read Resolution 99-3 (A Resolution Approving Ground Lease between the City of Lafayette, Indiana and Columbia Properties, LLC) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Phillips seconded. Councilman Meyer inquired about the option to purchase the land after 10 years. Eric Burns, City Attorney, explained the negotiations that occurred. Councilman Meyer inquired about the title to permanent improvements. Mr. Burns explained the ground lease agreement. Councilman Fisher inquired about the environmental responsibilities associated with the property. Mr. Burns stated that previous testing indicated that there are no environmental problems. Resolution 99-3 passed 7-0 on a roll call vote. Councilman Boehning returned to the meeting.

Councilman Campbell moved to suspend the rules to hear Resolution 99-4 (A Resolution Ratifying and Approving the Designation of an Economic Revitalization Area for Tax Abatement, Mail Code), Councilman Fisher seconded. The motion to suspend the rules passed 8-0 on a roll call vote.

The Clerk read Resolution 99-4 (A Resolution Ratifying and Approving the Designation of an Economic Revitalization Area for Tax Abatement, Mail Code) by title only for first and final reading. Councilman Fisher moved for passage, Councilman Phillips seconded. Chris Baker, President of Mail Code, explained the proposal. John O'Connell, CEO of Mail Code, further explained the proposal. Sherry McLauchlan, Community Development Director, explained that this proposal would apply only for Mail Code's portion of the building where Mail Code will be located. Councilman Fisher made several comments about the company. Councilman Downie asked if any other assistance is necessary. Mr. O'Connell stated that Ms. McLauchlan and Mike Brooks from Greater Lafayette Progress have been very helpful in this process. Resolution 99-4 passed 8-0 on a roll call vote.

Councilman Campbell moved to set a public hearing on Resolution 99-4 for February 1, 1999 at 7:02 p.m., Councilman Meyer seconded. The motion passed by unanimous voice vote.

### ***Tabled Ordinances:***

President Probasco stated that Ordinance 98-64 (An Ordinance to Vacate a Portion of the Public Way in the City of Lafayette, Habitat for Humanity, Petitioner) would remain tabled until time uncertain.

Councilman Meyer moved to take Resolution 98-23 off the table, Councilman Downie seconded. The motion passed by unanimous voice vote. The Clerk read Resolution 98-23 (A Resolution Confirming the Designation of an Economic Revitalization Area for Tax Abatement, Lafayette Quality Products) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Meyer seconded. Mike Brooks, Greater Lafayette Progress, spoke in favor of the resolution. Resolution 98-23 passed 8-0 on a roll call vote.

There were no Reports of Standing Committees.

There were no Reports of Special Meetings.

Reports by Mayor: Mayor Heath thanked the citizens for their help in the past few weeks with the snowfall that Lafayette has experienced. Mayor Heath thanked Butch Worthington and the Street and Sanitation departments. Mayor Heath explained the citywide effort in tackling the snowfall. Mayor

Heath thanked the Journal and Courier for spearheading the sidewalk brigade throughout the community. Councilman Meyer inquired about disposal of Christmas trees. Mayor Heath explained the prevalence of water line breaks which are occurring about once a day. Councilman Campbell inquired about the alternate parking proposal. Councilman Downie stated that she appreciates all the hard work by the city.

Reports of Councilman: President Probasco asked council members for input on committee assignments within the next few weeks.

There was no Public Comment.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Fisher seconded. The Motion passed by unanimous voice vote. Time being 9:40 p.m.

Minutes prepared by Lisa Decker, City Clerk.

*A partial tape recording of this council meeting is maintained in the City Clerk's Office.*